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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/868,107	10/12/2001	Heikki Einola	875.0010USU	5728

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EXAMINER
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COLIN, CARL G

ART UNIT	PAPER NUMBER
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2136

DATE MAILED: 04/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/868,107	<b>Applicant(s)</b> EINOLA ET AL.	
	<b>Examiner</b> Carl Colin	<b>Art Unit</b> 2136	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 January 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on 12 October 2001 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 18 January 2005 is: a) ☒ approved b) ☐ disapproved by the Examiner.  
     If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
     a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

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## **DETAILED ACTION**

### ***Response to Arguments***

1. In response to communications filed on 1/18/2005, applicant amends claims 1, 4, 8, and adds claims 9-23. The following claims 1-23 are presented for examination.
2. In response to communications filed on 1/18/2005, the amendment to the specification and to the drawing has been considered and the objection has been withdrawn.
3. Applicant's remarks, pages 8-12, filed on 1/18/2005, with respect to the rejection of claims 1-8 have been fully considered but they are moot in view of the new ground(s) of rejection.

### ***Claim Objections***

4. Claims 8, 9, and 15 are objected to because they are substantial duplicates of other claims. Applicant is advised that should claim 8 be found allowable, claims 9 and 15 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. Applicant is also advised that should claim 9 be found allowable, claims 8 and 15 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

*Claim Rejections - 35 USC § 102*

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5.1 **Claims 1-23** are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent 6,584,310 to **Berenzweig**.

5.2 **As per claims 1, 4, 8, 9, and 15, Berenzweig** discloses a communication network an access network element, or ciphering controller, and a method comprising a user equipment, an access network and a plurality of core networks, wherein said user equipment is configured to be simultaneously in communication with at least two of said plurality of core networks, said communication network comprising: **Berenzweig** discloses at least two networks wherein each

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has means of communicating separate ciphering communications to the access network that meets the recitation of means for communicating separate ciphering parameters to said access network from said at least two of said core networks, for example (see column 3, line 45 through column 4, line 7); **Berenzweig** discloses means for receiving separate ciphering parameters to said access network from said at least two of said core networks, for example (see column 5, lines 20-23 and lines 5, 29-31); and **Berenzweig** also discloses means for selecting either the triplets or shared secret key for ciphering between the user and the at least two of the core networks that meets the recitation of said access network comprising means for selecting one of said separate ciphering parameters for ciphering the communications between said user equipment and said at least two of said plurality of core networks in said access network, for example (see column 3, line 45 through column 4, line 7 and see one example illustrated in column 6, lines 35-63).

**As per claims 2-3, 5-6, 10, 13, 16, and 19, Berenzweig** discloses the limitation of communication network according to claim 1, further comprising means for ciphering said communications between said user equipment and said at least two of said plurality of core networks with said selected one of said separate ciphering parameter (column 6, lines 5-17 and lines 35-55), wherein said ciphering parameter comprises at least one of a ciphering key or a ciphering algorithm, for example (see column 6, lines 5-17 and lines 35-55).

**As per claim 7, Berenzweig** discloses plurality of entities to perform the invention disclosed and the entities can communicate ciphering parameters between each other that meets

the recitation of wherein said access network comprises a plurality of entities dedicated for managing the ciphering of communications with user equipments located in a geographical area allocated to said respective entities, and that when said user equipment moves from a geographical area allocated to a first ciphering managing entity to a geographical area allocated to a second ciphering managing entity, said first ciphering managing entity communicates used ciphering parameters to said second ciphering managing entity by signaling over said at least two of said plurality of core network, for example (see column 8, line 59 through column 9, line 10 and column 10, lines 5-23).

**As per claims 11-12, 17-18, 20-21, and 22-23, Berenzweig** discloses the limitation of wherein said communications comprise signaling messages and user data (column 7, lines 40-47 and column 5, lines 20-39).

**As per claim 14, Berenzweig** discloses the limitation of further comprising a radio network controller (column 8, line 59 through column 9, line 10).

### *Conclusion*

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6.1 The prior art made of record and not relied upon is considered pertinent to applicant's disclosure as the art discloses communication between a mobile user and plurality of networks. 5,555,553 Johnson; 6,434,382 Liu et al; 5,237,612 Raith; US2002/0052206 Longoni.


6.2 Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carl Colin whose telephone number is 571-272-3862. The examiner can normally be reached on Monday through Thursday, 8:00-6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

cc

Carl Colin  
Patent Examiner  
April 15, 2005

  
AYAZ SHEIKH  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100